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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/977,552

10/15/2001

Hank E. Millet

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07/12/2006

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EXAMINER

FREAY, CHARLES GRANT

ART UNIT

PAPER NUMBER

3746

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,552

Applicant(s)

MILLET ET AL

Examiner

Charles G. Freay

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-30, 32-34, 36-43 and 46-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-30, 32-34, 36-43 and 46-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the Request for Continued Examination of November 14, 2005 and the amendment of October 12, 2005. the current examiner notes that at page 8 of the Remarks section of the October 12, 2005 amendment the applicant makes reference to an interview with Examiner Sayoc. No recordation of the interview has been made by Examiner Sayoc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 46 is rejected under 35 U.S.C. 102(b) as being anticipated by Heckel et al (USPN 4,975,024).

Heckle in Figs. 1 and 2 teach a compressor assembly comprising a shell, a compression mechanism disposed in said shell (both inherent to the compressor 2), a motor driving said compression mechanism (14), and a control block (28) including memory (42,44) operable to store compressor event history data, compressor model type, compressor operating limits, and compressor set points. With regards to the limitation of "an image of compressor configuration information" the examiner notes that an image is any representation of the data. The stored information relating to the above noted variables is such an image. With regards to the limitation which states "that is copied to a system master....back to the control block". This phrase sets forth a future action to be done on the data/"image" and does not further limit the control block storing such data.

Claims 18-23, 25-29, 32, 33 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Centers et al (USPN 6,471,486) as set forth in item 5 (page 3) of the Final Rejection of May 13, 2005.

The examiner notes that with regards to the limitation of "an image of compressor configuration information" that an image is any representation of the data. The stored information relating to the above noted variables is such an image. With regards to the limitation which states "that is copied to a system master....back to the control block".

This phrase sets forth a future action to be done on the data/"image" and does not further limit the control block storing such data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Centers et al as applied to claim 46.

With respect to claim 30, Centers et al set forth a device as described above, which is substantially analogous to the claimed invention. The Centers et al device differs from the claimed invention in that there is no disclosure of the system master selectively controlling the control blocks/control systems (1004). It would have been obvious that individual compressors, with their individual control systems (1004), are selectively controlled by the system master over the network. Compressors undergo different compression situations and the system master must be able to provide independent, and appropriate controls to the compressors.

Claims 34, 36-40, 43 and 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Centers et al (USPN 6,471,486) as applied to claim 46, and further in view of Culp, III et al (USPN 5,975,854) in the rejection set forth in item 8 of the Final Rejection of May 13, 2005.

The examiner notes that with regards to the limitation of "an image of compressor configuration information" that an image is any representation of the data. The stored information relating to the above noted variables is such an image

Claims 24, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Centers et al in view of Culp, III et al, as applied to claims 46 and 47 and further in view of Freiland (USPN 5,423,190) and Sunaga et al (USPN 6,035,661) as set forth in item 9 of the Final rejection of May 13, 2005.

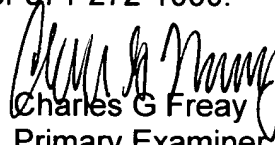
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Russo et al discloses a multi-pump systems where pumps each have a controller which through a modem communicates with a system control that receives "images" of compressor configuration information and then communicates back to the pump.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles G Freay
Primary Examiner
Art Unit 3746

CGF
July 10, 2006